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REMARKS

This Amendment is in response to the Office Action dated October 17, 2004. In the Office Action, claims 1-14 were rejected. With this Amendment, claims 1 and 2 are amended. It is respectfully submitted that all pending claims are in condition for allowance. Favorable action is respectfully requested.

Claims 2-5 and 9-11 were objected as including an informality. Accordingly, claim 2 has been amended. It is respectfully requested that these claim objections be withdrawn.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over the article "ArsDigita Powers Nation's Leading Wine Exchange: WineAccess.com" (hereinafter "ArsDigita").

It is respectfully submitted that ArsDigita fails to teach or suggest all of the claim elements of claim 1. ArsDigita fails to teach or suggest "a host system, operably connected to the in-store systems and the subscriber systems, for processing, storing, and communicating inventory data between the plurality of subscriber systems and the plurality of in-store systems" as recited in claim 1. On page three of the Office Action, the Examiner states that ArsDigita implies that the WineAccess.com website is hosted. It is respectfully submitted that no matter whether it can be implied that the WineAccess.com is hosted, it can not be implied that the WineAccess.com website includes a host system for communicating inventory data between the plurality of subscriber systems and the plurality of in-store systems. An element in the prior art can only be inherent when it is necessarily present, but not expressly described or recognized. "Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Oelrich*, 212 USPQ 323, 326 (C.C.P.A. 1981). The Examiner has drawn conclusions from the cited reference and improperly read elements into the cited reference. However, as taught and suggested in the cited reference, WineAccess.com merely includes a list of types of wines and what seller sells each type of wine. The web site can direct a consumer to a web site for a particular store that sells a particular type of wine. The cited references does not teach or suggest "processing, storing, or communicating data between the plurality of subscriber systems and the plurality of in-store systems" as recited in claim 1. It is respectfully submitted that claim 1 is in condition for allowance.

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Claims 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over ArsDigita in view of the Microsoft Press Computer Dictionary. It is respectfully submitted that claim 2 is allowable over the cited references as depending on allowable base claim 1.

Claims 3-5 and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over ArsDigita in view of the Microsoft Press Dictionary as applied to claim 2 and further in view of an official notice. The official notice being that "it is well known that for commercial Web sites to identify the merchants whose Web sites they are" It is respectfully submitted that claims 3-5

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